(3)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 899/2006. Single Bench

PETITIONER :

Pardesi Das Manikpuri
Son of Late Shri Dharam Das Manikpuri
aged about 65 years
Retired Asstt. Sub Inspector Police
R/o Kera Road Shivrinarayan
Distt. Janjgir-Champa (C.G.)

F.R. No. 977/06
Presented by Shri Sameer Rakh
dated 22/12/06

VERSUS

RESPONDENTS :

1. The State of Chhattisgarh,
Through it's Secretary Department of Home,
D.K.S. Bhawan, Raipur (C.G.)

2. Director General of Police
State of Chhattisgarh
Raipur (C.G.)

3. Joint Director
Treasury Accounts and Pension
Bilaspur Division Distt. Bilaspur (C.G.)

4. Superintendent of Police
District Janjgir-Champa (C.G.)

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22.12.06
CLERK to A. G. BILASPUR

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT, ORDER AND DIRECTION.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No. 899/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26.6.2006

Shri Sameer Behar, Advocate for the petitioner.

Shri Satish Gupta, Dy. Government Advocate for the State.

Heard finally.

Return has already been filed on behalf of the respondents.

By this writ petition the petitioner has sought an order against the respondents that they should grant him the leave encashment and gratuity amount with interest.

The case of the petitioner is that he was working as Sub Inspector in the Police Department and he was retired from District Janjgir-Champa on 30.6.2001. The further case of the petitioner is that no departmental enquiry was pending against him, however, the Special Police Establishment Office of Lokayukt had registered a Crime No.7/00 under the Prevention & Corruption Act against the petitioner and after investigation negative report was submitted, but the learned trial court did not accept the report and took the cognizance. Therefore, the petitioner is entitled for gratuity, pension and leave encashment amount.

Learned counsel for the petitioner submits that GPF amount has already been paid and 90% pension is being paid to the petitioner and now only dispute remains regarding the payment of gratuity and leave encashment.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

As far as the gratuity is concerned, as per sub-rule (c) of Rule 64 of C.G. Civil Services (Pension) Rules, 1976 the petitioner is not entitled for payment of gratuity amount and that has to be decided after finalization of the case pending against the petitioner. As far as the payment of leave encashment is concerned, there is no bar in the Rules of 1976, as the leave encashment is being granted against the earned leave of the government employee.

In the circumstances, respondents are not entitled to withhold the benefit of leave encashment and as such, respondents are directed to sanction the leave encashment to the petitioner, as admissible to him under the Rules.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.70/06 stands disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge